

REMARKS

The present invention relates to a vinyl ether group-containing (meth) acrylic ester composition, and methods of producing, transporting, storing, transferring and purifying same.

In the Office Action dated January 13, 2005, claims 1-3, 5-8, 11 and 13-21 were rejected under 35 U.S.C. § 103(a) based on Preparation of Tailor-Made Multifunctional Propenyl Ethers by Radical Copolymerization of 2-(1-Propenyl)oxyethyl Methacrylate, Macromolecules 1999, 32, 55-59 ("Vansteenkiste et al") in view of Bauer et al. Claims 10 and 12 were allowed.

Applicants wish to express their appreciation to the Examiner for the Interview conducted February 22, 2005. The statement of the substance of the Interview has been incorporated herein.

In the present Amendment, the title has been amended to delete the unnecessary word "acid." Further, claims 1-3 and 16 have been amended to delete the recitation that "said vinyl ether group-containing (meth) acrylic ester composition comprises the radical polymerization inhibitor, the basic compound and the vinyl ether group-containing (meth) acrylic ester as an end product," because it is not necessary. Still further, claim 10 has been amended to correct a typographical error. Specifically, claim 10 has been amended to replace "either" with --ether--.

Claims 4 and 9 have previously been canceled.

With regard to the §103 rejection, Applicants respectfully submit that the present invention is patentable over the cited references, for at least the following reasons.

1. Present Claims 1-3, 16 and 18-21

The Examiner's position was that the concentrated crude product of Vansteenkiste et al meets all the recitations in the present claims.

Present independent claim 1 recites that the total amount of the radical polymerization inhibitor and the vinyl ether group-containing (meth) acrylic ester is not less than 95% by weight relative to the vinyl ether group-containing (meth) acrylic ester composition. Present independent claim 2 recites that the total amount of the radical polymerization inhibitor, the basic compound, and the vinyl ether group-containing (meth) acrylic ester is not less than 95% by weight relative to the vinyl ether group-containing (meth) acrylic ester composition.

Vansteenkiste et al describes, in Synthesis of 2-(1-Propenyl)oxyethyl Methacrylate, that the product was obtained in 82% yield after vacuum distillation (page 56, left column, last paragraph).

Bauer et al discloses that a small amount of a polymerization inhibitor is preferably present during the reaction (col. 5, lines 41-43 and examples). In the examples, "small amount," "trace," "little," "3.75 pts/(585 pts of methyl acrylate + 150 pts of vinyloxyethanol)," "0.7

pts/(107.6 pts of methyl methacrylate + 35 pts of vinyloxy-5-pentyl alcohol),” and “3 pts/(320 pts of butyl methacrylate + 150 pts of vinyloxyethanol),” respectively, of a radical polymerization inhibitor were used.

Applicants respectfully submit that even if there might have been motivation to add a small amount of a polymerization inhibitor as suggested in Bauer et al in the reaction mixture of Vansteenkiste et al, there would not be any reasonable ground for concluding that the total amount of the polymerization inhibitor and the 2-(1-propenyl)oxyethyl methacrylate in the modified concentrated crude product of Vansteenkiste et al would be “not less than 95% by weight” relative to the total amount of the concentrated crude product.

Further, the reaction mixture of Vansteenkiste et al was washed twice with a saturated NaHCO_3 solution, and once with water, prior to drying, concentration and vacuum distillation. During these washing steps, most if not all of the triethylamine remaining in the reaction mixture would have been extracted into the aqueous phases, and thus removed from the reaction mixture.

Accordingly, Applicants respectfully submit that even if there might have been motivation to add a small amount of a polymerization inhibitor as suggested in Bauer et al in the reaction mixture of Vansteenkiste et al, there would not be any reasonable ground for concluding that the total amount of the polymerization inhibitor, triethylamine and the 2-(1-propenyl)oxyethyl methacrylate in the modified concentrated crude product of Vansteenkiste et

al would be “not less than 95% by weight” relative to the total amount of the concentrated crude product.

During the Interview, the Examiner indicated that these arguments may be sufficient to overcome the rejection of claims 1-3, 16 and 18-21.

2. Present Claims 5-7

The Examiner’s position was that the crude product of Vansteenkiste et al was “stored” under vacuum during vacuum distillation.

Applicants respectfully disagree. Although the specification of the present application does not expressly define the word “storing” per se, this term is used in an ordinary manner in the present invention and thus should be given its ordinary meaning. Generally, the term “store” has the meaning “to place or leave in a location (as a warehouse, library, or computer memory) for preservation or later use or disposal,” or “to put or keep (things) for use in the future.” See Merriam-Webster's Online Dictionary, 10th Edition and Cambridge Dictionary of American English. See also Dictionary.com. For the Examiner’s consideration, Applicants attach herewith a copy of the pertinent pages.

In the vacuum distillation step of Vansteenkiste et al, however, the reaction mixture was not placed for preservation or a use or disposal *in the future*, it was *in the process of being purified*. That is, the components and their concentrations in the reaction mixture were being changed continuously. Accordingly, Applicants respectfully submit that “storing under vacuum” during the vacuum distillation step of Vansteenkiste et al is not within the meaning of “storing” as used in the present application.

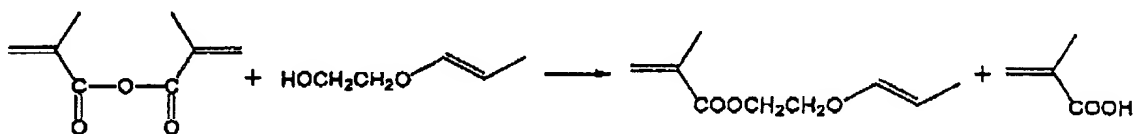
Further, although at one particular point of time during vacuum drawing of Vansteenkiste et al, the oxygen content in the vessel may fall within the range of 0.01 to 15% by volume, the reaction mixture was not “transported, stored or transferred” in a vessel where the oxygen content is *constantly* within the range of 0.01 to 15% by volume as recited in present claim 5. Applicants respectfully submit that claim 5 is not obvious over Vansteenkiste et al for this reason additionally.

Further, Applicants respectfully submit that present claims 6-7 are also not obvious over the cited references because Vansteenkiste et al does not disclose transporting, storing or transferring the product in a *light-proof structure* and Bauer et al does not rectify the deficiencies of Vansteenkiste et al.

During the Interview, the Examiner did not object to these arguments.

3. Present Claim 8

Applicants respectfully submit that present claim 8 is not obvious over the cited references because the present invention is different from Vansteenkiste et al in terms of the synthesis route and Bauer et al does not rectify the deficiencies of Vansteenkiste et al. Specifically, as set forth at page 26 of the Amendment filed April 28, 2004, Vansteenkiste et al discloses a synthesis of POMEA and the reaction is illustrated as follows:



This is a reaction between an acid anhydride and an alcohol.

In contrast, present claim 8 recites an ester exchange reaction. When POMEA is synthesized by this reaction, the reaction is illustrated as follows:



This is a reaction between an ester and an alcohol.

For the same reason, Applicants respectfully submit that claim 10 is allowable for this reason additionally. During the Interview, the Examiner did not object to these arguments.

4. Present Claim 11

Applicants respectfully submit that present claim 11 is not obvious over the cited references because Vansteenkiste et al does not disclose or suggest a method of producing a vinyl ether group-containing (meth) acrylic ester carried out in a “light-proof structure” and Bauer et al does not rectify the deficiencies of Vansteenkiste et al. For the same reason, Applicants respectfully submit that claim 12 is allowable for this reason additionally. During the Interview, the Examiner did not object to these arguments.

5. Present Claims 13 and 15

Applicants respectfully submit that present claim 13 and 15 are not obvious over the cited references, because Vansteenkiste et al does not disclose or suggest a method of purifying a vinyl ether group-containing (meth) acrylic ester carried out in an atmosphere having the presently claimed range of O₂ concentration and Bauer et al does not rectify the deficiencies of Vansteenkiste et al. During the Interview, the Examiner did not object to this argument.

6. Present Claims 14 and 17

Applicants respectfully submit that present claims 14 and 17 are not obvious over the cited references, because Vansteenkiste et al does not disclose or suggest a method of purifying a vinyl ether group-containing (meth) acrylic ester carried out in an atmosphere having the presently claimed range of O₂ concentration or in a light-proof structure and Bauer et al does not

rectify the deficiencies of Vansteenkiste et al. During the Interview, the Examiner did not object to this argument.

7. Present Claim 18

Claim 18 recites a radical polymerization inhibitor selected from the group consisting of quinone polymerization inhibitors, amine polymerization inhibitors, copper dithiocarbamate polymerization inhibitors and N-oxyl polymerization inhibitors. In contrast, Bauer et al does not teach or suggest any polymerization inhibitor other than β -naphthol.

Accordingly, Applicants respectfully submit that even if there might have been motivation to use the polymerization inhibitor disclosed in Bauer et al in the reaction mixture of Vansteenkiste et al, the combination would not result in the present invention recited in claim 18. That is, claim 18 is not obvious over the cited references.

Furthermore, Applicants submit herewith a Declaration under 37 C.F.R. § 1.132 of Mr. Keiji Yurugi, a co-inventor of the present invention, to rebut any *prima facie* case of obviousness. The Declaration demonstrates the unexpected superiority of the present invention and thus supports the patentability of the present invention.

Specifically, in the Declaration, compositions were prepared by applying to 2-(vinylloxyethoxy)ethyl acrylate, a stabilizing method for compounds containing a (meth)acryloyl group and/or a stabilizing method for compounds containing a vinyl ether group. The compositions were then stored and tested by visual observation, odor, GPC (gel-permeation chromatography) and GC (gas chromatography) to analyze whether or not polymerization or decomposition of 2-(vinylloxyethoxy)ethyl acrylate occurred. The results are summarized in Tables 1-4.


Table 1 shows the comparison of the compositions when only a stabilizing method for a (meth)acryloyl group was applied. Experiments 1-3 used a radical polymerization inhibitor according to the present invention. Experiments 4-9 employed another usual stabilizing method, i.e., addition of a chelating agent described in JP Kokai Sho-46-3146; addition of the compound described in JP Kokoku Sho-51-44156; addition of a sulfur-containing organic tin compound described in JP Kokai Sho-52-139028; contacting with air, oxygen and ozone described in JP Kokoku Sho-54-15772; addition of activated charcoal described in JP Kokai Hei-9-165355; and addition of ferric chloride and/or cupric chlorine described in JP Kokai Hei-10-87553, respectively.

Table 2 shows the comparison of the compositions when only a stabilizing method for a vinyl ether group was applied. Experiments 10-13 was added potassium hydroxide described in

JP Kohyo 2002-537276; added sodium acetate described in *Diethylene glycol monovinyl ether*, fine chemical, CMC Publishing Co., Ltd., 15/4/1999, Vol. 28, No. 7, pages 35-36; added ammonium carbamate described in *Vinyl ether, Products Guide*, Maruzen Petrochemical Co., Ltd., performance chemicals division, product development center, pages 1-3; and bubbled with nitrogen described in *Isobutyl vinyl ether*, attributed to Toshiyuki Tanaka, Kagaku Kogyo, Kagaku Kogyo-sha, February issue, pages 105-117, 1974, respectively.

Tables 3 and 4 show the comparison of the compositions when both a stabilizing method for a (meth)acryloyl group and a stabilizing method for a vinyl ether group were applied. Experiments 14-16 used a radical polymerization inhibitor and a basic compound according to the present invention. Experiments 17-31 used the combination of other usual stabilizing methods mentioned above.

Table 1

	Experiment 1	Experiment 2	Experiment 3	Experiment 4	Experiment 5	Experiment 6	Experiment 7	Experiment 8	Experiment 9
Reference	Present invention	Present invention	Present invention	Japanese Kokai Publication Sho-46-3146	Japanese Kokoku Publication Sho-51-44156	Japanese Kokai Publication Sho-52-139028	Japanese Kokoku Publication Sho-54-15772	Japanese Kokai Publication Hei-9-165355	Japanese Kokai Publication Hei-10-87553
Type of acryloyl group stabilizer	Radical polymerization inhibitor	Radical polymerization inhibitor	Radical polymerization inhibitor	Chelating agent	X_n 	Compound containing sulfur-tin bonding	Air, oxygen, ozone	Activated charcoal	Ferric chloride(II) and/or cupric chloride(II)
Stabilizer	HQ	PTZ	TEMPO	EDTA-4Na	X=H,R=CH ₂	Bu ₂ Sn(SCH ₂ C OOC ₈ H ₁₇) ₂	Bubbling with O ₂	Powdered woody type activated charcoal	FeCl ₂
(mg)	10	10	10	10	10	10		10	10
Vinyl ether group-containing (meth) acrylic ester	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA
(g)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Storage temperature	70°C	70°C	70°C	70°C	70°C	70°C	70°C	70°C	70°C
Number of days of storage	7 days	7 days	7 days	7 days	7 days	7 days	7 days	7 days	7 days
Visual observation	No change	No change	No change	Pale yellow	Pale yellow	Polymerization	No change	No change	Polymerization
Odor	No change	No change	No change	Aldehyde odor	Aldehyde odor	No change	Aldehyde odor	Aldehyde odor	No change
GPC	No change	No change	No change	No change	No change	Insoluble in THF	No change	THF insoluble matter is present	Insoluble in THF
GC	No change	No change	No change	3% of VEEA decreased, Acetaldehyde and diethyleneglycol monoacrylate were detected.	4% of VEEA decreased, Acetaldehyde and diethyleneglycol monoacrylate were detected. Unknown peak was detected.	—	34% of VEEA decreased, Acetaldehyde and diethyleneglycol monoacrylate were detected.	Acetaldehyde and diethyleneglycol monoacrylate were detected.	—

HQ: hydroquinone

PTZ: phenothiazine

TEMPO: 2,2,6,6-tetramethylpiperidine-N-oxyle

EDTA-4Na: tetrasodium tetraethylenediaminetetraacetate

GPC: polystyrene equivalent weight average molecular weight

Table 2

	Experiment 10	Experiment 11	Experiment 12	Experiment 13
Type of vinyl ether group stabilizer (mg)	KOH 10	Sodium acetate 10	Ammonium carbamate 10	Bubbling with N ₂
Vinyl ether group-containing (meth) acrylic ester (g)	VEEA 100.0	VEEA 100.0	VEEA 100.0	VEEA 100.0
Storage temperature	70°C	70°C	70°C	70°C
Number of days of storage	1 day	1 day	1 day	1 day
Visual observation	Polymerization	Polymerization	Polymerization	Polymerization
Odor	No change	No change	No change	No change
GPC	Insoluble in THF	Insoluble in THF	Insoluble in THF	Insoluble in THF
GC	—	—	—	—

HQ: hydroquinone


PTZ: phenothiazine

TEMPO: 2,2,6,6-tetramethylpiperidine-N-oxyle

EDTA-4Na: tetrasodium tetraethylenediaminetetraacetate

GPC: polystyrene equivalent weight average molecular weight

Table 3

	Experiment 14	Experiment 15	Experiment 16	Experiment 17	Experiment 18	Experiment 19	Experiment 20	Experiment 21	Experiment 22
Reference	Present invention	Present invention	Present invention	Japanese Kokai Publication Sho-46-3146 and basic compound	Japanese Kokoku Publication Sho-51-44156 and basic compound	Japanese Kokai Publication Sho-52-139028 and basic compound	Japanese Kokoku Publication Sho-54-15772 and basic compound	Japanese Kokai Publication Hei-9-165355 and basic compound	Japanese Kokai Publication Hei-10-87553 and basic compound
Type of acryloyl group stabilizer	Radical polymerization inhibitor	Radical polymerization inhibitor	Radical polymerization inhibitor	Chelating agent	Xn 	Compound containing sulfur-tin bonding	Air, oxygen, ozone	Activated charcoal	Ferric chloride(II) and/or cupric chloride(II)
Stabilizer	HQ	PTZ	TEMPO	EDTA-4Na	$X=H, R=CH_2$	$Bu_3Sn(SCH_2COOC_8H_{17})_2$	Bubbling with O ₂	Powdered woody type activated charcoal	FeCl ₂
(mg)	5	5	5	5	5	5		5	5
Basic compound (mg)	KOH	KOH	KOH	KOH	KOH	KOH	KOH	KOH	KOH
Vinyl ether group-containing (meth) acrylic ester (g)	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA
Storage temperature	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Storage	70°C	70°C	70°C	70°C	70°C	70°C	70°C	70°C	70°C
Number of days of storage	7days	7days	7days	7days	7days	7days	7days	7days	7days
Visual observation	No change	No change	No change	Pale yellow	Pale yellow	Polymerization	Just a little pale yellow	No change	Polymerization
Odor	No change	No change	No change	Aldehyde odor	Aldehyde odor	No change	Aldehyde odor	Aldehyde odor	No change
GPC	No change	No change	No change	No change	No change	Insoluble in THF	No change	No change	Insoluble in THF
GC	No change	No change	No change	1% of VEEA decreased, Acetaldehyde and diethyleneglycol monoacrylate were detected.	2% of VEEA decreased, Acetaldehyde and diethyleneglycol monoacrylate were detected. Unknown peak was detected.	28% of VEEA decreased, Acetaldehyde and diethyleneglycol monoacrylate were detected.	1% of VEEA decreased, Acetaldehyde and diethyleneglycol monoacrylate were detected.	—	—

HQ: hydroquinone

PTZ: phenothiazine

TEMPO: 2,2,6,6-tetramethylpiperidine-N-oxyle

EDTA-4Na: tetrasodium tetraethylenediaminetetraacetate

GPC: polystyrene equivalent weight average molecular weight

Table 4

	Experiment 23	Experiment 24	Experiment 25	Experiment 26	Experiment 27	Experiment 28	Experiment 29	Experiment 30	Experiment 31
Reference	—	—	—	Japanese Kokai Publication Sho-46-3146 and nitrogen	Japanese Kokoku Publication Sho-51-44156 and nitrogen	Japanese Kokai Publication Sho-52-139028 and nitrogen	Japanese Kokoku Publication Sho-54-15772 and nitrogen	Japanese Kokai Publication Hei-9-165355 and nitrogen	Japanese Kokai Publication Hei-10-87553 and nitrogen
Type of acryloyl group stabilizer	Radical polymerization inhibitor	Radical polymerization inhibitor	Radical polymerization inhibitor	Chelating agent	$X_n - \text{N}(\text{NO}) - \text{R} - \text{COOH}$ 	Compound containing sulfur-tin bonding	Air, oxygen, ozone	Activated charcoal	Ferric chloride(II) and/or cupric chloride(II)
Stabilizer	HQ	PTZ	TEMPO	EDTA-4Na	$X = \text{H}, \text{R} = \text{CH}_2$	$\text{Bu}_2\text{Sn}(\text{SCH}_2\text{C}(\text{OOC}_8\text{H}_{17/2}))_2$	Bubbling with O_2 Air was used as $\text{O}_2 + \text{N}_2$	Powdered woody type activated charcoal	FeCl_2
(mg)	10	10	10	10	10	10		10	10
Nitrogen	Bubbling with nitrogen	Bubbling with nitrogen	Bubbling with nitrogen	Bubbling with nitrogen	Bubbling with nitrogen	Bubbling with nitrogen	Air was used as $\text{O}_2 + \text{N}_2$	Bubbling with nitrogen	Bubbling with nitrogen
Vinyl ether group-containing (meth) acrylic ester	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA	VEEA
(g)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Storage temperature	70°C	70°C	70°C	70°C	70°C	70°C	70°C	70°C	70°C
Number of days of storage	2 days	2 days	2 days	2 days	2 days	2 days	7 days	2 days	2 days
Visual observation	Polymerization No change	Polymerization No change	Polymerization No change	Polymerization No change	Polymerization No change	Polymerization No change	No change	Polymerization No change	Polymerization No change
Odor	Insoluble in THF	Insoluble in THF	Insoluble in THF	Insoluble in THF	Insoluble in THF	Insoluble in THF	Aldehyde odor	Insoluble in THF	Insoluble in THF
GPC	—	—	—	—	—	—	No change	—	—
GC	—	—	—	—	—	—	20% of VEEA degraded. Acetaldehyde and diethyleneglycol monaacrylate were detected.	—	—

HQ: hydroquinone

PTZ: phenothiazine

TEMPO: 2,2,6,6-tetramethylpiperidine-N-oxyle

EDTA-4Na: tetrasodium tetraethylenediaminetetraacetate

GPC: polystyrene equivalent weight average molecular weight

As shown in the above tables, in the vinyl ether group-containing (meth)acrylic ester composition of the present invention, no changes were observed even after 7 days' storage. In contrast, in the compositions prepared by applying only a usual stabilizing method for a (meth)acryloyl group, coloring, generation of polymer product, and generation of acetaldehyde, diethyleneglycol monoacrylate and the like caused by decomposition were observed; in the compositions prepared by applying only a usual stabilizing method for a vinyl ether group, generation of polymer product was observed after one day's storage; and in the compositions prepared by applying both a usual stabilizing method for a (meth)acryloyl group and a usual stabilizing method for a vinyl ether group, coloring, generation of polymer product, and generation of acetaldehyde, diethyleneglycol monoacrylate and the like caused by decomposition were observed after two days' storage.

As is clear from the above results, the present invention provides a significant difference in improving the stability of the vinyl ether group-containing (meth)acrylic ester. That is, the present invention provides unexpected superiority in preventing not only polymerization but also decomposition compared to other usual stabilizing methods.

In view of the foregoing, Applicants respectfully submit that the present invention is not obvious over the cited references and that the rejection should be withdrawn.

AMENDMENT 37 C.F.R. § 1.116 AND
STATEMENT OF SUBSTANCE OF INTERVIEW
U.S. Application No.: 09/982,861

Attorney Docket Q66372

In view of the above, reconsideration and allowance of claims 1-3, 5-8 and 10-21 are now believed to be in order, and such actions are hereby earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the Washington D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

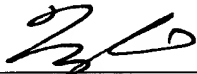
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Main Entry: **store**
 Pronunciation: 'stOr, 'stor
 Function: *transitive verb*
 Inflected Form(s): **stored; stor-ing**
 Etymology: Middle English, from Old French *estorer* to construct, restore, store, from Latin *instaurare* to renew, restore
 1 : **LAY AWAY, ACCUMULATE** <store vegetables for winter use> <an organism that absorbs and *stores* DDT>
 2 : **FURNISH, SUPPLY**; *especially* : to stock against a future time <store a ship with provisions>
 3 : to place or leave in a location (as a warehouse, library, or computer memory) for preservation or later use or disposal
 4 : to provide **storage** room for : **HOLD** <elevators for *storing* surplus wheat>
 - **stor-able** /'stOr-&-b&l, 'stor-/ *adjective*

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Definition

store (KEEP)

[Show phonetics]

verb [T]

to put or keep (things) for use in the future

We store the garden tools in a shed in the backyard.

All the information is stored on a hard disk.

storage

[Show phonetics]

noun [U]

Fire broke out in a basement storage area.

Much of the art they've acquired is still in storage (= being kept in a safe place and not yet in use).

store

[Show phonetics]

noun [C]

The captured terrorists had an extensive store (= a large amount) of dynamite and bomb-making material.

*We have a big surprise **in store for** you (= planned and ready for you).*

A **storehouse** is a warehouse.

A **storeroom** is a room in which things that are not being used can be kept:

You can get a mop from the school's storeroom downstairs.

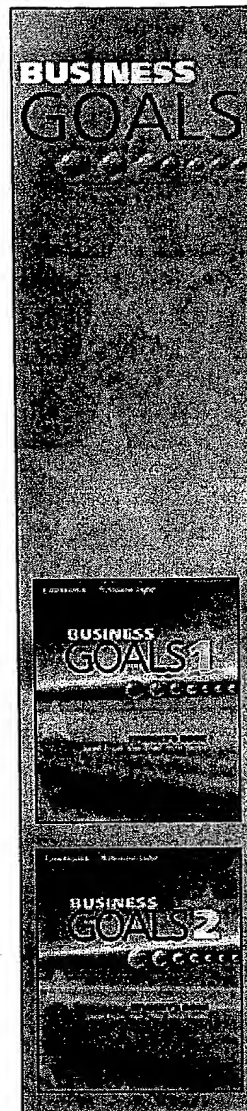
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store **Pronunciation Key** (stôr, stôr)
n.

1. A place where merchandise is offered for sale; a shop.
2. A stock or supply reserved for future use: *a squirrel's store of acorns*.
3. **stores** Supplies, especially of food, clothing, or arms.
4. A place where commodities are kept; a warehouse or storehouse.
5. A great quantity or number; an abundance.

tr.v. stored, stor·ing, stores

1. To reserve or put away for future use.
2. To fill, supply, or stock.
3. To deposit or receive in a storehouse or warehouse for safekeeping.
4. Computer Science. To copy (data) into memory or onto a storage device, such as a hard disk.

Idiom:
in store

1. Forthcoming: *great trouble in store for her*.
2. In reserve; stored.